

Maine Revised Statutes

Title 38: WATERS AND NAVIGATION

Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS

§411-A. STATE CONTRIBUTION TO RESIDENTIAL OVERBOARD DISCHARGE REPLACEMENT PROJECTS

1. General authority. Subject to the availability of funds under section 411, the commissioner shall pay a portion of an alternative to an overboard discharge system as provided in this section. In the event the overboard discharge owner is not eligible for complete funding through a grant, the commissioner may loan the balance of the eligible alternative system costs not funded through a grant as provided in this section.

A. Pursuant to the cost-share schedule in subsection 2-A, the commissioner shall pay a portion of the expense of a technologically proven alternative system construction project that results in the elimination of an overboard discharge to the waters of the State when that elimination is required under section 414-A, subsection 1-B. The department may not provide grant funds to an overboard discharge owner for the removal of an overboard discharge at a residence unless the residence is the owner's primary residence. [2009, c. 654, §1 (NEW).]

B. If the overboard discharge owner is not eligible for complete funding through a grant, the overboard discharge owner may be eligible for funding provided by the revolving loan fund established by Title 30-A, section 6006-A as administered through the Maine Municipal Bond Bank or its designee for the expense of a technologically proven alternative system construction project that results in the elimination of an overboard discharge to the waters of the State when that elimination is required under section 414-A, subsection 1-B. [2009, c. 654, §1 (NEW).]

C. The costs eligible for payment through a grant or loan under this section include the costs that the department requires for abandonment of the overboard discharge and the design, engineering and construction costs of the replacement system. Grants or loans made under this section may be made directly to the owners of the overboard discharges and may also be made to sanitary and sewer districts that have agreed to establish operation and maintenance programs for holding tanks within their boundaries. [2009, c. 654, §1 (NEW).]

[2009, c. 654, §1 (RPR).]

2. Cost-share.

[2003, c. 246, §3 (RP).]

2-A. Cost-share. The commissioner shall determine the portion of project expenses eligible for grants under this section as follows:

A. For an owner of an overboard discharge with an annual income less than \$25,000, 100%; [2009, c. 654, §2 (AMD).]

B. For an owner of an overboard discharge with an annual income from \$25,000 to \$50,000, 90%; [2009, c. 654, §2 (AMD).]

C. For an owner of an overboard discharge with an annual income from \$50,001 to \$75,000, 50%; [2009, c. 654, §2 (AMD).]

D. For an owner of an overboard discharge with an annual income from \$75,001 to \$100,000, 35%; [2009, c. 654, §2 (AMD).]

E. For an owner of an overboard discharge with an annual income from \$100,001 to \$125,000, 25%; [2009, c. 654, §2 (AMD).]

E-1. For an owner of an overboard discharge with an annual income over \$125,000, \$0; and [2009 , c. 654, §2 (NEW) .]

F. For a publicly owned overboard discharge facility, 50% to a maximum of \$150,000. [2003 , c. 246, §4 (NEW) .]

For purposes of this subsection, annual income is determined separately for residential property owners and commercial establishments. For a residential property owner, including a trust, "annual income" means the sum of the taxable incomes of each owner of the property if it is jointly owned or of each beneficiary and grantor if the property owner is a trust for the previous year as listed on the relevant federal income tax returns for the previous year. For a commercial establishment, "annual income" means taxable income or ordinary business income for the previous year as listed on the relevant federal income tax return plus any depreciation or other noncash expense that was deducted to compute taxable or ordinary business income on that return. A rental property must be considered a commercial establishment or as contributing to annual income depending on how it is reported on the overboard discharge owner's federal income tax return from the previous year.

[2009 , c. 654, §2 (AMD) .]

3. Priority. The commissioner shall utilize grants made under this section to eliminate sources of contamination to shellfish harvesting areas and to eliminate public nuisance conditions.

[1989 , c. 442, §1 (NEW); 1989 , c. 890, Pt. A, §40 (AFF); 1989 , c. 890, Pt. B, §25 (AMD) .]

4. Reimbursement. The commissioner shall utilize grants under this section to reimburse individuals for the cost of removing any overboard discharge, subject to the provisions of subsection 2-A, when:

A. The removal occurred after September 30, 1989 but was carried out according to plans and specifications approved by the commissioner in advance of construction and prior to the offering of a grant under this section; [2003 , c. 246, §5 (RPR) .]

B. The removal resulted in the elimination of sources of contamination to shellfish areas or public nuisance conditions; and [2003 , c. 246, §5 (RPR) .]

C. The removal is required under section 413, subsection 3 or section 414-A, subsection 1-B. [2003 , c. 246, §5 (RPR) .]

[2003 , c. 246, §5 (RPR) .]

SECTION HISTORY

1989 , c. 442, §1 (NEW). 1989 , c. 890, §§A40,B25 (AMD). 1991 , c. 499, §14 (AMD). 1993 , c. 223, §2 (AMD). 1999 , c. 243, §4 (AMD). 2001 , c. 232, §10 (AMD). 2003 , c. 246, §§3-5 (AMD). 2009 , c. 654, §§1, 2 (AMD).

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